

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>8:15CV316</b>
	)	
<b>V.</b>	)	
	)	
<b>KENNETH SEELEY, EILEEN SEELEY, JAMES FONTANO, as trustee of KEA Trust, and HOLT COUNTY, NEBRASKA,</b>	)	<b>ORDER</b>
	)	
<b>Defendants.</b>	)	

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Defendant James Fontano, as Trustee of KEA Trust, has filed a motion requesting leave to file an answer out of time. ([Filing 12](#).) Although the motion is unopposed, the Court is unable to grant the requested relief at this time. A non-attorney trustee, such as Mr. Fontano, may not represent a trust *pro se*, that is, without the assistance of counsel. *See Knoefler v. United Bank of Bismarck*, 20 F.3d 347, 348 (8th Cir. 1994). Therefore, Mr. Fontano must obtain counsel to act on behalf of the KEA Trust before the Court grants the requested relief.

Accordingly,

**IT IS ORDERED** that Defendant James Fontano as Trustee of KEA Trust's Motion to File After Deadline and for Extension of Time to File a Responsive Pleading ([filing 12](#)) is denied without prejudice to reassertion following retention of counsel.

**DATED October 7, 2015.**

**BY THE COURT:**

**S/ F.A. Gossett  
United States Magistrate Judge**